

DECISION



29748

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-215970

DATE: November 5, 1984

MATTER OF: Steele Circle Maintenance, Inc.

DIGEST:

GAO will not consider a protest where the material issues are before a court of competent jurisdiction which has not expressed an interest in receiving GAO's decision.

Steele Circle Maintenance, Inc. (Steele), protests the award of a contract under solicitation No. N62472-83-B-8662 by the Department of the Navy. The solicitation was for the maintenance of a military housing facility in Niagara Falls, New York. Steele alleges that the solicitation specifications omitted a wage determination for a position required under the contract and that the Navy erred in calculating its total bid price, an error that resulted in Steele's bid being treated as second low rather than low.

While the protest was pending with our Office, Steele filed suit in the United States District Court for the Western District of New York. The bases for that lawsuit are identical to those presented to our Office in the protest.

It is the policy of our Office not to decide protests where the material issues are before a court of competent jurisdiction unless the court requests, expects or otherwise expresses an interest in our decision. 4 C.F.R. § 21.10 (1984); CACI, Inc., B-210246, Feb. 1, 1983, 83-1 C.P.D. ¶ 113. The court has not expressed an interest in our decision in this matter. Therefore, the protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
General Counsel

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